

ENTERED

November 09, 2023

Nathan Ochsner, Clerk

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

In Re:

§

§

**GARCIA GRAIN TRADING
CORP.,**

§

Case No. 23-70028-EVR-11

§

§

Debtor.

§

**ORDER GRANTING DEBTOR'S EX PARTE EMERGENCY MOTION TO ESTABLISH
NEW BAR DATE FOR FILING PROOFS OF CLAIM**

On this day, came on for consideration the Debtor's Ex Parte Emergency Motion to Establish New Bar Date For Filing Proofs of Claim (the "***Motion***"), filed by the Debtor, and the Court having considered relief requested within the Motion and determined that good cause exists for extending the bar date for creditors and parties in interest to file their Proof of Claim in the case, and that notice should be given to all creditors on the mailing matrix, and that counsel for the Debtor has prepared a Notice of New Bar Date For Filing Proofs of Claim and has had it translated into Spanish by a certified licensed court interpreter, the Court finds that the Notice should be approved.

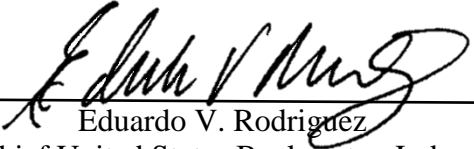
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that a new bar date of **December 12, 2023** is established in this case.

IT IS FURTHER ORDERED that the Notice of New Bar Date For Filing Proofs of Claim attached hereto as Exhibit "A" is approved.

IT IS FURTHER ORDERED that the attached Notice of New Bar Date For Filing Proofs of Claim which has been translated to Spanish by a certified licensed court interpreter, attached hereto as Exhibit "B" is also approved.

IT IS FURTHER ORDERED that the Debtors are hereby ordered to send the attached English and Spanish versions of the Notice of New Bar Date For Filing Proofs of Claim to all creditors and parties in interest, along with a copy of a blank Proof of Claim form, a copy of which is attached, on or before November 10, 2023 which will allow all creditors and parties in interest the required 30 days to file their Proofs of Claim in this case as is required by Federal Bankruptcy Rule 2002(a)(7) and 2002(p)(2).

Signed: November 09, 2023


Eduardo V. Rodriguez
Chief United States Bankruptcy Judge

APPROVED AS TO FORM AND CONTENT
AND ENTRY REQUESTED:

MULLIN HOARD & BROWN, L.L.P.
P.O. Box 2585
Lubbock, Texas 79408-2585
Telephone: (806) 765-7491
Facsimile: (806) 765-0553
Email: drl@mhba.com

/s/ David R. Langston
David R. Langston, SBN: 11923800
Southern District Bar No. 9489
Attorneys for the Debtor, Garcia Grain Trading Corp.

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

In Re:	§	
	§	
GARCIA GRAIN TRADING	§	Case No. 23-70028-EVR-11
CORP.,	§	
	§	
Debtor.	§	

NOTICE OF NEW BAR DATE FOR FILING PROOFS OF CLAIM

**PLEASE READ THIS NOTICE CAREFULLY AS YOUR RIGHTS
MAY BE AFFECTED AS SET FORTH HEREIN**

**YOU ARE ADVISED THAT THERE IS NO REQUIREMENT TO FILE A NEW PROOF
OF CLAIM. IF YOU HAVE PREVIOUSLY FILED A PROOF OF CLAIM YOUR
RIGHT TO PARTICIPATE IN DISTRIBUTIONS IS ALREADY ESTABLISHED AND
YOU ARE NOT REQUIRED TO TAKE ANY FURTHER ACTION.**

1. On February 17, 2023 (the “**Petition Date**”) the Debtor, Garcia Grain Trading Corp. filed for relief under Chapter 11 of the United States Bankruptcy Code (the “Bankruptcy Code”).
2. On February 21, 2023, the Court filed its Notice of Chapter 11 Bankruptcy Case which established a bar date of June 20, 2023 for creditors and parties in interest to file their Proofs of Claim in the case.
3. On March 3, 2023, the Debtor filed its Schedules [Docket #50] in the case providing the listing of all of its creditors in the case.
4. Through the course of the case, the Debtor believes it has determined that many creditors have received apparent preferences, have a pending claim against the surety bonds, or their claim is disputed for some other reason and therefore should have their claim designated as contingent, unliquidated and disputed.
5. The Debtor has now filed an Amended Schedule E/F designating those creditors it believes fall under these categories as contingent, unliquidated and disputed.
6. Pursuant to Federal Bankruptcy Rule 3003(c)(2) any creditor or equity security holder whose claim or interest is not scheduled or scheduled as disputed, contingent or unliquidated shall file a proof of claim within the time prescribed; any creditor who fails to do so shall not be treated as a creditor with respect to such claim for the purposes of voting and distribution.

7. Therefore, Notice is hereby given that all creditors and parties in interest have until **TUESDAY, DECEMBER 12, 2023** to file their Proof of Claim in the above-referenced case.

8. A proof of claim is a signed statement describing a creditor's claim. For your convenience, a proof of claim form is attached for your use and reference.

9. Any creditor who fails to file a proof of claim who has been scheduled as disputed, contingent or unliquidated shall not be treated as a creditor with respect to such claim for the purposes of voting and distribution. If your claim is scheduled as disputed, contingent or unliquidated and you do not file a proof of claim by the deadline, you might not be paid on your claim. To be paid, you must file a proof of claim even if your claim is listed in the schedules that the debtor filed. Filing a proof of claim submits the creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain.

10. **If you have already filed a Proof of Claim in this case, you DO NOT need to file another Proof of Claim.**

Respectfully Submitted,

MULLIN HOARD & BROWN, L.L.P.

P.O. Box 2585

Lubbock, Texas 79408-2585

Telephone: (806) 765-7491

Facsimile: (806) 765-0553

Email: drl@mhba.com

/s/ David R. Langston

David R. Langston, SBN: 11923800

Southern District Bar No. 9489

Attorneys for the Debtor, Garcia Grain Trading Corp.

Fill in this information to identify the case:

Debtor 1 _____

Debtor 2 _____
(Spouse, if filing)

United States Bankruptcy Court for the: _____ District of _____

Case number _____

Official Form 410

Proof of Claim

04/22

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. **Do not send original documents;** they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

Part 1: Identify the Claim**1. Who is the current creditor?**

Name of the current creditor (the person or entity to be paid for this claim)

Other names the creditor used with the debtor

2. Has this claim been acquired from someone else?

☐ No

☐ Yes. From whom? _____

3. Where should notices and payments to the creditor be sent?

Federal Rule of
Bankruptcy Procedure
(FRBP) 2002(g)

Where should notices to the creditor be sent?

Name

Number Street

City State ZIP Code

Contact phone _____

Contact email _____

Where should payments to the creditor be sent? (if different)

Name

Number Street

City State ZIP Code

Contact phone _____

Contact email _____

Uniform claim identifier for electronic payments in chapter 13 (if you use one):

4. Does this claim amend one already filed?

☐ No

☐ Yes. Claim number on court claims registry (if known) _____

Filed on _____
MM / DD / YYYY

5. Do you know if anyone else has filed a proof of claim for this claim?

☐ No

☐ Yes. Who made the earlier filing? _____

Part 2: Give Information About the Claim as of the Date the Case Was Filed

6. Do you have any number you use to identify the debtor?	<input type="checkbox"/> No <input type="checkbox"/> Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: ____ ____ ____ ____
7. How much is the claim? \$ _____	Does this amount include interest or other charges? <input type="checkbox"/> No <input type="checkbox"/> Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).
8. What is the basis of the claim?	Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card. Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c). Limit disclosing information that is entitled to privacy, such as health care information. _____
9. Is all or part of the claim secured?	<input type="checkbox"/> No <input type="checkbox"/> Yes. The claim is secured by a lien on property. Nature of property: <input type="checkbox"/> Real estate. If the claim is secured by the debtor's principal residence, file a <i>Mortgage Proof of Claim Attachment</i> (Official Form 410-A) with this <i>Proof of Claim</i> . <input type="checkbox"/> Motor vehicle <input type="checkbox"/> Other. Describe: _____ Basis for perfection: _____ Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.) Value of property: \$ _____ Amount of the claim that is secured: \$ _____ Amount of the claim that is unsecured: \$ _____ (The sum of the secured and unsecured amounts should match the amount in line 7.) Amount necessary to cure any default as of the date of the petition: \$ _____ Annual Interest Rate (when case was filed) _____ % <input type="checkbox"/> Fixed <input type="checkbox"/> Variable
10. Is this claim based on a lease?	<input type="checkbox"/> No <input type="checkbox"/> Yes. Amount necessary to cure any default as of the date of the petition. \$ _____
11. Is this claim subject to a right of setoff?	<input type="checkbox"/> No <input type="checkbox"/> Yes. Identify the property: _____

12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?

☐ No

☐ Yes. *Check one:*

Amount entitled to priority

A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.

☐ Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).

\$ _____

☐ Up to \$3,350* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).

\$ _____

☐ Wages, salaries, or commissions (up to \$15,150*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).

\$ _____

☐ Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).

\$ _____

☐ Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).

\$ _____

☐ Other. Specify subsection of 11 U.S.C. § 507(a)() that applies.

\$ _____

* Amounts are subject to adjustment on 4/01/25 and every 3 years after that for cases begun on or after the date of adjustment.

Part 3: Sign Below

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

☐ I am the creditor.

☐ I am the creditor's attorney or authorized agent.

☐ I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.

☐ I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date _____
MM / DD / YYYY

Signature

Print the name of the person who is completing and signing this claim:

Name

First name

Middle name

Last name

Title

Company

Identify the corporate servicer as the company if the authorized agent is a servicer.

Address

Number

Street

City

State

ZIP Code

Contact phone

Email

**EN EL TRIBUNAL DE QUIEBRA DE LOS ESTADOS UNIDOS
DISTRITO SUR DE TEXAS
DIVISIÓN MCALLEN**

Respecto a:

**GARCIA GRAIN TRADING
CORP.,**

Deudor.

§
§
§
§
§
§

Caso No. 23-70028-EVR-11

**NOTIFICACIÓN DE NUEVA FECHA LÍMITE PARA LA PRESENTACIÓN DE
PRUEBAS DE RECLAMO**

**LEA ATENTAMENTE ESTA NOTIFICACIÓN, YA QUE SUS DERECHOS
PUEDEN VERSE AFECTADOS POR LA PRESENTE**

**SE LE INFORMA QUE NO ES NECESARIO QUE PRESENTE UNA NUEVA PRUEBA
DEL RECLAMO. SI YA HA PRESENTADO UNA PRUEBA DE RECLAMO, SU
DERECHO A PARTICIPAR EN LAS DISTRIBUCIONES YA ESTÁ ESTABLECIDO Y
NO ES NECESARIO QUE REALICE NINGUNA OTRA ACCIÓN.**

1. El 17 de febrero de 2023 (la "**Fecha de Petición**"), el Deudor, Garcia Grain Trading Corp. presentó una solicitud de amparo en virtud del Capítulo 11 del Código de Quiebra de los Estados Unidos (el "Código de Quiebra").

2. El 21 de febrero de 2023, el Tribunal presentó su Notificación de Caso de Quiebra del Capítulo 11 que establecía como fecha límite el 20 de junio de 2023 para que los acreedores y partes que tuvieran un interés presentaran sus Pruebas de Reclamo en el caso.

3. El 3 de marzo de 2023, el Deudor presentó sus Listas [*Docket* (Registro)#50] en el caso proporcionando el listado de todos sus acreedores en el caso.

4. A lo largo del caso, el Deudor cree haber determinado que muchos acreedores han recibido aparentes preferencias, tienen un reclamo pendiente contra los seguros de caución, o su reclamo es impugnado por alguna otra razón y, por lo tanto, su reclamo debe ser designado como contingente, no liquidado y controvertido.

5. El Deudor ha presentado ahora una Lista E/F Modificada en la que designa a los acreedores que considera incluidos en estas categorías como contingentes, no liquidados y en litigio.

6. De conformidad con las Reglas Federales de Procedimiento de Bancarrota 3003(c)(2), cualquier acreedor o tenedor de valores de renta variable cuyo reclamo o interés no esté programado

Traducido por: Monica S. Rossler, Intérprete/Traductora Judicial.
Licencia Máster para Intérpretes Judiciales del Estado de Texas, Número 1014
Titular de Platinum Translation. L.L.C.

Notificación de Nueva Fecha Límite para la Presentación de Pruebas de Reclamo
Página 1

EXHIBIT "B"

o programado como impugnado, contingente o no liquidado deberá presentar una prueba de reclamo dentro del plazo prescrito; cualquier acreedor que no lo haga no será tratado como acreedor con respecto a dicho reclamo a efectos de votación y distribución.

7. Por lo tanto, por la presente se notifica que todos los acreedores y partes interesadas tienen hasta el **MARTES 12 DE DICIEMBRE DE 2023** para presentar su Prueba de Reclamo en el caso arriba mencionado.

8. Una Prueba de Reclamo es una declaración firmada que describe el reclamo de un acreedor. Para su comodidad, se adjunta un formulario de prueba de reclamo para su uso y referencia.

9. Cualquier acreedor que no presente una prueba de reclamo que haya sido programada como impugnada, contingente o no liquidada no será tratado como acreedor con respecto a dicho reclamo a efectos de votación y distribución. Si su reclamo es clasificado como impugnado, contingente o no liquidada y usted no presenta una prueba de reclamo dentro del plazo, es posible que no se le pague. Para que le paguen, debe presentar una prueba de reclamo, aunque su reclamo figure en las listas que presentó el deudor. La presentación de una prueba de reclamo somete al acreedor a la jurisdicción del tribunal de quiebra, con las consecuencias que un abogado puede explicarle.

10. **Si ya ha presentado una prueba de reclamo en este caso, usted NO necesita presentar otra Prueba de Reclamo.**

Respetuosamente Presentado,

MULLIN HOARD & BROWN, L.L.P.

P.O. Box 2585

Lubbock, Texas 79408-2585

Teléfono: (806) 765-7491

Fax: (806) 765-0553

Correo Electrónico: drl@mhba.com

/f/ David R. Langston

David R. Langston, SBN: 11923800

Colegio de Abogados del Distrito Sur No. 9489

Abogados del Deudor, Garcia Grain Trading Corp.

Fill in this information to identify the case:

Debtor 1 _____

Debtor 2
(Spouse, if filing) _____

United States Bankruptcy Court for the: _____ District of _____

Case number _____

Official Form 410
Proof of Claim**04/22****Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.****Filers must leave out or redact** information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. **Do not send original documents;** they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.**Part 1:** Identify the Claim**1. Who is the current creditor?**

Name of the current creditor (the person or entity to be paid for this claim) _____

Other names the creditor used with the debtor _____

2. Has this claim been acquired from someone else?☐ No☐ Yes. From whom? _____**3. Where should notices and payments to the creditor be sent?**Federal Rule of
Bankruptcy Procedure
(FRBP) 2002(g)**Where should notices to the creditor be sent?**

Name _____

Number _____ Street _____

City _____ State _____ ZIP Code _____

Contact phone _____

Contact email _____

Where should payments to the creditor be sent? (if different)

Name _____

Number _____ Street _____

City _____ State _____ ZIP Code _____

Contact phone _____

Contact email _____

Uniform claim identifier for electronic payments in chapter 13 (if you use one):
_____**4. Does this claim amend one already filed?**☐ No☐ Yes. Claim number on court claims registry (if known) _____Filed on _____
MM / DD / YYYY**5. Do you know if anyone else has filed a proof of claim for this claim?**☐ No☐ Yes. Who made the earlier filing? _____

Part 2: Give Information About the Claim as of the Date the Case Was Filed

6. Do you have any number you use to identify the debtor?	<input type="checkbox"/> No <input type="checkbox"/> Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: ____ ____ ____ ____
7. How much is the claim?	\$ _____. Does this amount include interest or other charges? <input type="checkbox"/> No <input type="checkbox"/> Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).
8. What is the basis of the claim?	Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card. Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c). Limit disclosing information that is entitled to privacy, such as health care information. _____
9. Is all or part of the claim secured?	<input type="checkbox"/> No <input type="checkbox"/> Yes. The claim is secured by a lien on property. Nature of property: <input type="checkbox"/> Real estate. If the claim is secured by the debtor's principal residence, file a <i>Mortgage Proof of Claim Attachment</i> (Official Form 410-A) with this <i>Proof of Claim</i> . <input type="checkbox"/> Motor vehicle <input type="checkbox"/> Other. Describe: _____ Basis for perfection: _____ Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.) Value of property: \$ _____ Amount of the claim that is secured: \$ _____ Amount of the claim that is unsecured: \$ _____ (The sum of the secured and unsecured amounts should match the amount in line 7.) Amount necessary to cure any default as of the date of the petition: \$ _____ Annual Interest Rate (when case was filed) _____ % <input type="checkbox"/> Fixed <input type="checkbox"/> Variable
10. Is this claim based on a lease?	<input type="checkbox"/> No <input type="checkbox"/> Yes. Amount necessary to cure any default as of the date of the petition. \$ _____
11. Is this claim subject to a right of setoff?	<input type="checkbox"/> No <input type="checkbox"/> Yes. Identify the property: _____

12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?

☐ No

☐ Yes. *Check one:*

Amount entitled to priority

A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.

☐ Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).

\$ _____

☐ Up to \$3,350* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).

\$ _____

☐ Wages, salaries, or commissions (up to \$15,150*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).

\$ _____

☐ Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).

\$ _____

☐ Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).

\$ _____

☐ Other. Specify subsection of 11 U.S.C. § 507(a)(____) that applies.

\$ _____

* Amounts are subject to adjustment on 4/01/25 and every 3 years after that for cases begun on or after the date of adjustment.

Part 3: Sign Below

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

☐ I am the creditor.

☐ I am the creditor's attorney or authorized agent.

☐ I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.

☐ I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date _____
MM / DD / YYYY

Signature

Print the name of the person who is completing and signing this claim:

Name

First name

Middle name

Last name

Title

Company

Identify the corporate servicer as the company if the authorized agent is a servicer.

Address

Number

Street

City

State

ZIP Code

Contact phone

Email